

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

**September 15-19, 2003**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-16	EX	75/423,447	Gilster-Mary Lee Corp.	Hairston Chapman* Bottorff	2(d)	Refusal Affirmed as to both cited registrations		"FRUITY BLASTS" [breakfast cereal]	2 cited registrations, both owned by the same entity: "COCOA BLASTS" and "COOKIE BLAST" [both marks for breakfast cereal]	Strzyz	No
9-16	EX	75/790,432	Certainfeed Corp.	Simms Cissel* Chapman	2(d)	Refusal Affirmed		"CLAREMONT" [polyvinyl chloride (PVC) widows and patio doors]	"CLERMONT" [interior doors and door facings made of construction board, namely, composite board fiberboard, hard board and synthetic lumber or artificial lumber]	L. Dalier	No
9-16	EX	75/566,756	Spy Optic, Inc.	Cissel Bucher* Rogers	2(d)	Refusal Affirmed		"SPY" [wearing apparel, namely, shirts, t-shirts, shorts, pants, sweatshirts, sweatpants, hats, visors, shoes and belts]	"FASHION SPY!" [clothing, namely, tops, skirts, shorts, skorts, pants, shirts, dresses, jumpers, jackets]	Zak	No
9-16	EX	75/217,097	Digital Lightwave, Inc.	Seeherman* Hohein Bottorff	2(e)(1)	Refusal Affirmed		"LIGHTWAVE MANAGEMENT" [electronic testing equipment, namely, telecommunication line integrity testing apparatus for assessing the performance of telecommunications networks]		Evanko	No
9-16	EX	76/120,896	A.C.E. International Co., Inc.	Seeherman* Walters Rogers	2(d)	Refusal Affirmed		"COBRA" (in stylized lettering) [protective helmets for welding]	"COBRA" [protective gloves for industrial use]	Lee	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

**September 15-19, 2003 (continued)**

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9-16	EX	76/285,088	Digital Lightwave, Inc.	Seeherman Hairston Bottorff*	2(e)(1)	Refusal Affirmed		"PROGRAMMABLE PROCESSOR" [electronic testing equipment, namely, telecommunications line integrity testing apparatus]		Herman	No

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